

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5-18-MC-00051-RN

**Kato Engineering, Inc.,**

Movant,

v.

**ABB, Inc.,**

Respondent.

**Order**

Both ABB, Inc. and Kato Engineering, Inc. request that the court place the deposition of David Hanley under seal because the document in question has already been identified as confidential in another related case in the District Court of Minnesota, and, due to the length of the document, redaction would be impractical. Kato Engineering filed its motion to seal on December 13, 2018, and ABB filed its motion to seal on January 8, 2019. The motions to seal have been present on the public docket since that time and no member of the public has opposed either motion. Both parties consent to the other's motion to seal.

After considering the motions to seal and all related filings, the court is of the opinion that the motion to seal should be granted because all of the factors set out in *In re Knight Publishing Co.*, 743 F.2d 231 (4th Cir. 1984) are satisfied. Both parties have demonstrated that the documents subject to the motion to seal have been designated as confidential in *Kato Engineering, Inc. v. David F. Hanley*, Case No. 18-CV-1290 (D. Minn. Filed May 8, 2018), and that Hanley's deposition transcript is too voluminous to redact. Based upon this showing, the court finds that both the First Amendment and common law presumption of access has been overcome. Additionally, although the public has had notice of the request to seal and a reasonable opportunity to oppose the motion, no objections have been filed. Finally, the court has considered less dramatic alternatives to sealing and finds that they would be inadequate because the confidentiality designation in the related case in Minnesota would be undermined if the deposition transcript were not sealed, and the transcript is so voluminous that redaction would be impractical.

Therefore, both motions to seal shall be granted. The court orders that the Clerk of Court shall permanently seal the documents at issue.

Dated: January 18, 2019



Robert T. Numbers, II  
United States Magistrate Judge